

Matthew J. Smith  
Mohave County Attorney  
James M. Schoppmann  
Deputy County Attorney  
Special Counsel to Sheriff  
State Bar No. 023452  
600 W. Beale St.  
P.O. Box 1191  
Kingman, AZ 86402  
Telephone: (928)753-0753  
Fax No.: (928)753-0765  
[james.schoppmann@mohavecounty.us](mailto:james.schoppmann@mohavecounty.us)  
Attorney for Mohave County Sheriff's Office

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2015 MAY -5 AM 9:13

VIRLYNN TINNELL  
SUPERIOR COURT CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE**

**STATE OF ARIZONA,**

**Plaintiff,**

**vs.**

**JUSTIN JAMES RECTOR,**

**Defendant.**

**No. CR-2014-01193**

**MOHAVE COUNTY SHERIFF'S  
OFFICE'S RESPONSE TO:  
Defendant's Motion to Preclude  
Law Enforcement Officers From  
Wearing Uniforms or Displaying  
Guns/And Or /Other Weapons in  
Courtroom**

COMES NOW the Mohave County Attorney, by and through Deputy County Attorney James M. Schoppmann, *Special Counsel* to Mohave County Sheriff, and hereby offers the following response to Defendant's Motion to Preclude Law Enforcement Officers From Wearing Uniforms or Displaying Guns / and or / Other Weapons in Courtroom.

The Sheriff argues that any ruling that precludes uniformed (and possibly armed) detention officers from jury proceedings impairs the safety and security of the Defendant and the public. Additionally, depending on the circumstances at the time of trial, the Sheriff may need uniformed deputies to assist uniformed detention officers. When the time is right, the Sheriff requests the opportunity to establish the need for said security measures in the event a trial occurs.



S8015CR201401193

1 LAW:

2 In *State v. Cruz*, 218 Ariz. 149 (2008) a fully empaneled Arizona Supreme Court  
3 held that courtroom security procedures are left to the discretion of the trial court and  
4 that determination will not be disturbed absent an abuse of discretion. *Id.*, at 168. In  
5 *Holbrook v. Flynn*, 475 U.S. 560, 571-72, (1986), the United States Supreme Court  
6 addressed whether seating "four uniformed state troopers" in the row of spectators'  
7 seats immediately behind the defendant at trial denied the defendant his right to a fair  
8 trial. *Flynn* at 562. The Court held that the presence of the troopers was not so  
9 inherently prejudicial that it denied the defendant a fair trial. *Id.*, at 571. In reaching that  
10 holding, the Court stated that "the question must be ... whether 'an unacceptable risk is  
11 presented of impermissible factors coming into play.'" *Id.*, at 570. Additionally, the Court  
12 found that the deployment of troopers was intimately related to the State's legitimate  
13 interest in maintaining custody during the proceedings. *Id.*, at 571-72. Furthermore, the  
14 Court stated that the troopers were unlikely to have been taken as a sign of anything  
15 other than a normal official concern for the safety and order of the proceedings. *Id.*, at  
16 571. Lastly the Court noted that it was entirely possible that jurors will not infer anything  
17 at all from the presence of the guards and society has become inured to the presence of  
18 armed guards in most public places; they are doubtless taken for granted so long as  
19 their numbers or weaponry do not suggest particular official concern or alarm. *Id.*, at  
20 569.

21 ARGUMENT:

22 The issue presented by the Defendant is not ripe at this time. More importantly,  
23 this Court has the discretion to determine appropriate security measures for the trial and  
24 such determination is subject to an abuse of discretion standard. The nature of the  
25 charges and case require the presence of at least two uniformed detention officers. If  
26

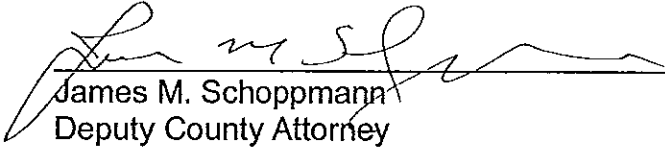
1 the decision was made today the Jail Commander would be recommending two  
2 uniformed detention officers (who may or may not be armed).

3 The Sheriff routinely handles serious cases in front of juries without any prejudice  
4 to the defendant. There is no need to depart from a method that this Court knows to be  
5 successful and appropriate, especially when the Defendant fails to provide any specific  
6 facts to support his position.

7 The presence of uniformed detention officers at the anticipated trial of the  
8 Defendant, in a manner that this Court is accustomed to, more than complies with the  
9 requirements of the Defendant's Constitutional rights and the principles of *Flynn*.

10  
11 RESPECTFULLY SUBMITTED THIS 4th DAY OF MAY, 2015.

12  
13 MOHAVE COUNTY ATTORNEY  
MATTHEW J. SMITH

14   
15 James M. Schoppmann  
Deputy County Attorney  
Special Counsel to Sheriff

16  
17 A copy of the foregoing sent this same day to:

18 Honorable Lee F. Jantzen

19 Greg McPhillips, Mohave County Attorney's Office (email)

20 Ron Gilleo, Mohave County Legal Defender's Office (email)

21 Gerald T. Gavin, Attorney for Defendant (email)

22 By JMS